

## WAR GRAVES

*Exchange of notes verbales at Rome September 13 and 24, 1946, with  
text of agreement*

*Entered into force September 24, 1946*

*Article III modified by agreement of December 18, 1947, and  
January 21, 1948, as amended*<sup>1</sup>

61 Stat. 3750; Treaties and Other  
International Acts Series 1713

*The American Embassy to the Ministry for Foreign Affairs*

EMBASSY OF THE  
UNITED STATES OF AMERICA

F.O. No. 654

### NOTE VERBALE

The Embassy of the United States of America presents its compliments to the Italian Ministry of Foreign Affairs and has the honor to refer to the Embassy's Note Verbale no. 561 of July 3, 1946, and the Ministry's Note Verbale no. 19/27869/160 of August 20, 1946, as well as to the subsequent informal conversations between Minister Zoppi representing the Ministry and Mr. Henderson representing the Embassy, all in connection with the desire of the Government of the United States to conclude a bilateral agreement with the Government of the Italian Republic with respect to the disposition and care of the remains of deceased members of the United States Armed Forces who are now buried in Italy.

The Embassy takes pleasure in advising the Ministry that the Department of State is agreeable to amending the original draft of the proposed agreement as follows, in accordance with the informal requests made by Minister Zoppi on September 3:

Introductory paragraph, Article I: "The United States, through its duly designated representatives, shall have the following facilities:"

Subparagraph E, Article I: "The Government of the United States shall have the unrestricted right, in cooperation with Italian authorities, to ex-

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<sup>1</sup> TIAS 1743, *post*, pp. 258 and 304.

amine and open all records, military or civilian, which may be of assistance in locating the graves or identifying the remains of its deceased military or civilian personnel."

The final sentence of Article III is also amended to read: "The provisions of Article I, Subparagraphs A, B and C will apply in the construction and maintenance of such permanent cemeteries and memorials as may be desired."

In order to formalize the proposed bilateral agreement, the full amended text is incorporated in this note as an attachment to it. If, pursuant to the oral agreement already reached over the amended text, the Ministry of Foreign Affairs will likewise incorporate the said text into its reply to the present note, the Government of the United States will consider the bilateral agreement concluded and will take appropriate steps for its application by delegates designated by the United States in agreement with the proper Italian authorities.

ROME, *September 13, 1946.*

DK

Attachment:  
Amended text of  
bilateral agreement.

To the

MINISTRY OF FOREIGN AFFAIRS,  
*Rome.*

#### ATTACHMENT

The following shall govern relative to the disposal of the remains of deceased persons who were citizens of the United States and/or who served or who accompanied the Armed Forces of the United States and are now buried in Italy or any possession or territory now or hereafter subject to the control of the Italian Government.

#### ARTICLE I

The United States, through its duly designated representatives, shall have the following facilities:

A. The Government of the United States shall have the right to establish and maintain such temporary cemeteries as are necessary for the burial of deceased persons subject to its control and to make exhumations therefrom for repatriation or concentration into their cemeteries abroad, and may move bodies from other countries into and/or through Italy and its territories and possessions for interment and/or trans-shipment.

B. The Government of the United States shall be exempted from all national, local or other laws and/or regulations relating to the permits for disinterments, sanitation, upon an assurance that such work will be conducted in a manner not detrimental to public health, and from the payment of any duties, taxes or fees of any kind whatsoever for the burial, disinterment for reburial or movement of bodies or the maintenance of graves.

C. The Government of the United States shall have the right of free entrance and exit for all personnel, supplies, transportation (air, rail, animal and/or water) serving or belonging to the United States, and the use of airfields, port facilities, warehousing, living quarters, office space, rail and water transportation and the right to employ labor in Italy, its territories and possessions essential to the accomplishment of its mission, upon payment of just compensation thereof.

D. The Government of the United States shall have the unrestricted right to search for the remains of members of its armed forces and/or its citizens.

E. The Government of the United States shall have the unrestricted right, in cooperation with Italian authorities, to examine and open all records, military or civilian, which may be of assistance in locating the graves or identifying the remains of its deceased military or civilian personnel.

F. The Government of the United States shall have the right to question and examine citizens of Italy and to take affidavits in furtherance of its search for and identification of remains of members of its armed forces and/or its citizens.

## ARTICLE II

The Government of Italy will render all possible assistance in locating and securing the effects of deceased military and civilian personnel of the United States and upon demand and the furnishing of a proper receipt, will turn over to representatives of the United States all effects so located and secured.

## ARTICLE III <sup>2</sup>

If in the future the Government of the United States wishes to establish permanent cemeteries or erect memorials in Italy, the Italian Government will exercise its power of Eminent Domain to acquire title to such sites and grant to the United States the right of use therein in perpetuity upon payment by the United States of cost compensation therefor. Any sites acquired, including improvements thereto and buildings constructed thereon, shall be exempt from any and all form of taxation, direct or indirect. The provisions of Article I, Subparagraphs A, B and C will apply in the construction and maintenance of such permanent cemeteries and memorials as may be desired.

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<sup>2</sup> For a modification of art. III, see TIAS 1743, *post*, pp. 258 and 304.

*The Ministry for Foreign Affairs to the American Embassy*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS  
D. G. A. POL. VIII

## NOTE VERBALE

The Ministry of Foreign Affairs has the honor to acknowledge to the Embassy of the United States of America receipt of Note Verbale No. 654 of September 13, 1946, to which is attached the proposed Italo-American bilateral Agreement relating to arrangement of American war cemeteries in Italy, the text of which is the following:

[For text of agreement, see U.S. note, above.]

The Ministry of Foreign Affairs, in announcing that the Italian Government approves the text cited above, states consequently that it considers as concluded the Italo-American Agreement for American war cemeteries in Italy, and avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

ZOPPI

ROME, *September 24, 1946*

His Excellency the

AMBASSADOR OF THE UNITED STATES OF AMERICA,  
*Rome*